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Joseph W. Price  
SNELL & WILMER L.L.P.  
Suite 1200  
1920 Main Street  
Irvine CA 92614-7230

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**SEP 13 2004**

**OFFICE OF PETITIONS**

In re Application of	:	
Ken Kitamara	:	DECISION GRANTED-IN-PART
Application No. 10/825,144	:	
Filed: April 14, 2004	:	
Attorney Docket No.: 82478-6500	:	

This is a decision on the petition filed July 23, 2004, requesting in effect, that a Notice to File Missing Parts in a Nonprovisional Application ("Notice") mailed June 29, 2004, be withdrawn.

The application was filed on July 23, 2004. However, on March 19, 2004, the Office of Initial Patent Examination (OIPE) mailed a Notice stating that the application had been accorded a filing date of April 14, 2004 but figure 4 as described in the specification appeared to have been omitted.

In response, the present petition was filed wherein Petitioner contends figure 4 was filed on April 14, 2004. In support, the petition is accompanied by a copy of applicant's return postcard which lists "drawings 20 sheets". The petition is further accompanied by a copy of figure 4.

Applicant's postcard receipt is prima facie evidence that 20 sheets of drawings including figure 4 as described in the specification was received on April 14, 2004, but figure 4 is not present in the file. Hence, it is clear that the papers for this application were mishandled by the Office. Therefore, it is concluded that figure 4 was received on April 14, 2004, as shown in counsel's file, and later misplaced in the office.

The petition is Granted-In-Part to the extent it applies to the omitted figure. However, the Notice was correct regarding the requirement to submit an executed oath or declaration. No petition fee is due and none has been charged.

Since figure 4 as described in the specification cannot be located in the Office, figure 4 supplied on July 23, 2004, will

be used for processing and examination purposes.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of April 14, 2004, using the drawings submitted on December 12, 2003 and substitute figure 4 supplied on July 23, 2004.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 306-0251.

A handwritten signature in cursive script, appearing to read "Charlema R. Grant".

Charlema R. Grant  
Petition Attorney  
Office of Petitions